

**ARIZONA DEPARTMENT OF HEALTH SERVICES
DIVISION OF ASSURANCE AND LICENSURE
OFFICE OF CHILD CARE LICENSURE
SUBSTANTIVE POLICY STATEMENT # SP-021-ALS-CCL**

USING UNLICENSED SPACE FOR THE PROVISION OF CHILD CARE SERVICES

The purpose of this substantive policy statement is to notify the public that the Department considers providing child care services in unlicensed space to be a violation of A.A.C. R9-5-607 and R9-5-206(B) and (D) because it indicates that the licensee has failed to properly designate the premises to be licensed and has made a change in space utilization without obtaining prior approval from the Department.

The Department requires an applicant for a child care facility license to indicate to the Department which areas will be used for the provision of child care services. Each applicant for a license to operate a child care facility is required to submit to the Department a brief narrative description of the intended facility, including the location and assigned age groups of each room in which activities are or will be conducted. A.A.C. R9-5-607(A)(6).

An applicant for a license for a child care facility not located in a public school is required, under A.A.C. R9-5-607(B)(1) and (2), to submit construction drawings including:

1. A floor plan showing the length and width of each activity area to be used for child care services, among other things; and
2. A site plan showing, among other things:
 - a. The boundaries and dimensions of the property on which the physical plant is located;
 - b. The location and dimensions of buildings, outdoor activity areas, and parking lots;
 - c. The location and height of fences and gates; and
 - d. The location of each driveway and swimming pool.

An applicant for a license for a child care facility providing care for children younger than school-age children at a public school is required to submit a site plan showing the location of each activity area to be used for child care services and of each outdoor activity area to be used by enrolled children and a floor plan showing the length and width of each activity area to be used by enrolled children. A.A.C. R9-5-607(C)(1)(b) and (c) and (C)(2)(b). Likewise, an applicant for a license for a child care facility providing care only for school-age children at a public school is required to submit construction drawings or school maps showing the location, dimensions, and age groups of each activity area to be used by enrolled children. A.A.C. R9-5-607(D)(2).

Prior to granting a license, the Department inspects each area identified by the applicant as an area to be used for the provision of child care services. *See* A.A.C. R9-5-208(A). The Department inspects these areas to determine whether the areas comply with the requirements of A.R.S. Title 36, Chapter 7.1, Article 1 and 9 A.A.C. 5, Articles 1 through 6. The Department will not grant a license to an applicant whose physical plant is not in substantial compliance with the requirements of A.R.S. Title 36, Chapter 7.1, Article 1 and 9 A.A.C. 5, Articles 1 through 6. *See* A.A.C. R9-5-202(C)(5).

If a licensee desires to use an indoor or outdoor area at the same address as a child care facility but that has not been identified by the licensee in the license application and inspected and approved by the Department as an area to be used for child care services (“unlicensed space”), the licensee is required to

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apply for approval of a change in space utilization. A.A.C. R9-5-206(B). A licensee is prohibited from using unlicensed space for the provision of child care services. *See* A.A.C. R9-5-206(D).

The Department is aware of the practice of a child care facility's taking what are referred to as "field trips" to unlicensed space. This practice is a violation of A.A.C. R9-5-607 and R9-5-206 (B) and (D) because the licensee has failed to properly designate the activity areas to be used for child care services at the facility site and has made a change in space utilization without obtaining prior Department approval.

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